* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on : 1.5.2007
% Date of Decision: May 25, 2007

\+ MAT APP 8/2005

\# JITENDER KUMAR JAUHAR .... APPELLANT
! Appellant in person.

v e r s u s

$ ANUPAMA JAUHAR .... RESPONDENT
^ Through: Mr. V.K. Makhija, Senior Advocate with Mr. Sanjeev Behl, Advocate

AND

\+ MAT APP 6/2005 & CMS 1364-66, 3681/2005

\# ANUPAMA JAUHAR .... APPELLANT
! Through: Mr. V.K. Makhija, Senior Advocate with Mr. Sanjeev Behl, Advocate

v e r s u s

$ JITENDER KUMAR JAUHAR .... RESPONDENT
^ Respondent in person.

CORUM:
HON'BLE DR. JUSTICE S.MURALIDHAR

1. Whether Reporters of local papers may be allowed to see the judgment? Yes
2. To be referred to the Reporter or not? Yes
3. Whether the judgment should be reported in Digest? Yes

: **Dr. S.Muralidhar, J.**

1. These two matrimonial appeals are directed against the judgment dated 16.12.2004 passed by the Additional District Judge, Delhi ('ADJ') in H.M.A. No 712-A/04/96. By the impugned judgment the learned ADJ partly allowed the said petition for divorce filed by Shri Jitender Kumar Jauhar (the respondent in Mat. Appeal No 6 of 2005 and the appellant in Mat Appeal No 8 of 2005) and held that the

marriage between the parties which took place on 12.5.1963 should be dissolved on the ground of desertion.

2. Aggrieved by the said judgment, Smt. Anupama Jauhar has filed Mat. Appeal No. 6 of 2005. To the extent that the impugned judgment holds that the petitioner failed to prove that the respondent treated him with cruelty, Shri Jitender Kumar Jauhar has filed the first mentioned appeal being Mat. Appeal No 8 of 2005.

3. In addition to filing her appeal, Smt. Anupama Jauhar filed an application being CM No. 3681 of 2005 under Section 24 of the Hindu Marriage Act 1955 ('Act') seeking maintenance of Rs.1 lakh per month as interim maintenance from the date of filing of the present appeal along with Rs.50,000/- on account of litigation expenses. Even while the said application was pending, Smt. Anupama Jauhar filed another application, being CM No 7373 of 2006, seeking a direction to Shri Jitender Kumar Jauhar to pay Rs.20,000/- per month as *pendente lite* maintenance till such time the CM No 3681 of 2005 was decided. By an order dated 16.10.2006 this Court allowed the CM No. 7373 of 2006 and directed Shri Jitender Kumar Jauhar to pay Smt. Anupama Jauhar pendente lite maintenance of Rs.20,000/- per month from 7.12.2005 onwards, till the decision in CM No. 3681 of 2005. A review application being R.A. No. 428 of 2006 filed by Shri Jitender Jauhar against this order was disposed of on 18.12.2006 with the clarification that the observations made in the order dated 16.10.2006 would not affect the final determination of the pending appeals on merits. Two other pending applications in two appeals were disposed of.

4. For the sake of convenience, the parties will be referred to according to their respective positions before the trial court.

Accordingly, Shri Jitender Kumar Jauhar will be referred to as the petitioner and Smt. Anupama Jauhar as the respondent.

5. The parties were married on 12.5.1963. They have two grown up sons, aged about 39 and 37 years respectively as of date. On 23.5.1996 i.e. 33 years after the marriage, the petitioner filed the aforementioned petition seeking divorce from the respondent on the grounds of cruelty and desertion.

Pleadings

6. The petition itself was a brief one, running into six pages and twenty-three paragraphs. It was stated that the respondent is a habitual deserter; she used to desert the petitioner and her children even when they were very small. The petition stated that the respondent-wife had "from the last days of January 1994" been living separately in a separate section of the house although under the same roof. It was stated in para 7 "the parties do not even see each other faces. They are living just like aliens and unknown persons, to each other." There are absolutely no dates given as regards the precise instances of cruelty. In para 9 it is stated that despite the petitioner being allergic to wind and prone to colds, the respondent used to keep the fan at full speed. As a result, whenever the petitioner used to sleep he caught cold. Therefore, many a time the petitioner had to sleep in the kitchen, as there was a shortage of accommodation. It is then stated that the respondent had instructed the servant not to serve the petitioner any food and that in any event the petitioner was only served with left over food. The respondent was in habit of turning out the servants of the house, which resulted in the petitioner having to wash his own clothes and cook his food. It is then stated in para 12 that a locker was opened with the Delhi Safe Deposit

Company at the instance of the respondent by the petitioner and some gold and the money saved by the petitioner was kept in it. The petitioner alleges that without his knowledge, the respondent got the name of the petitioner removed from the locker's record and took away the whole of the gold and jewellery. In para 13 it is stated that the respondent was in the habit of telling lies and it had become part of her nature. She had always taken pleasure in the problems of the petitioner and she had always tried to get maximum profit for herself out of the difficulty of the petitioner. And she had ruined the life of the petitioner and the future of children. It is then stated that the respondent had subjected the petitioner indirectly to third degree mental torture and cruelty and that the petitioner had been suffering ever since the marriage.

7. The written statement filed by the respondent was one of total denial. It stated that the two children love their parents. The respondent who was 52 years of age at that time, i.e. 1996, was categorical that "she does not wish to put an end to married life." The respondent stated that "if she gets divorce, she has nowhere to go and will not be able to survive the shock." She denied the allegation of having deserted the petitioner or the children at any point in time. She stated that "in fact after finishing her daily chores she used to go to Sri Aurobindo Ashram to look after the aged father of the petitioner who was residing there." She denied that she has been living in a separate section of the house and the parties do not see each other's faces. She stated that there have always been servants in the house, all employed by the petitioner and that even at the time of filing the written statement, there were five to six servants working in the house. She pointed out that the locker with the Delhi Safe Deposit

Company was opened with the consent of the petitioner in the respondent's name for keeping jewellery which she had been using on occasions such as marriages. According to her, the jewellery was part of her 'stridhan'. She denied that she was in the habit of telling lies and maintained that she is a God fearing person. She had provided both the petitioner and her children emotional and financial support. There was absolutely no question of the respondent ruining the life of the petitioner and the future of children. The petitioner was earning well from his own business. The children were well settled. She herself was working and earning a salary. She denied that there was any mental torture inflicted by her as alleged at all. She reiterated in para 15 that "the respondent does not want to dissolve her marriage of 33 years which has given two wonderful children and a good family life. The respondent has been treated like a daughter in her husband's family and it would be unbearable for her to sever her ties with them. At this stage in her life a divorce would cause irreparable damage to her emotional and mental health. She wants to continue her marriage at all costs and remain a part of his family for ever."

Evidence at the trial

8. The petitioner examined himself as PW-1. In his examination in chief on 19.5.2000 he gave certain details, which were beyond the pleadings. First he stated that he had to leave his family business, M/s. S.N. Sunder & Son, on account of the behaviour of the respondent. Thereafter, his financial position had become very weak. He then started his career alone on a cycle as he could not afford anything and he had only two properties that had been bought before marriage. He stated that "the respondent accused him of having an affair with a girl to whom I had rented out a room when there was

nothing between us." He then alleged that the respondent has a "psychopathic disorder" and behaves irresponsibly. His examination-in-chief continued on 17.8.2000. While reiterating the submissions made in the previous date, he stated that "after January 1994 I have had no talk or matrimonial relationship with the respondent. I have never condoned her cruelty. There have been no previous matrimonial proceedings."

9. The petitioner was further cross-examined on 16.11.2000. In response to a question whether he recollected having told his advocate, who drafted his petition, about the fact that the respondent had accused him of having an affair with a girl to whom he rented a room, the petitioner answered "I do not recollect if I told to my advocate about this fact." In response to a question whether he had any medical prescription to support his statement that the respondent has a psychopathic disorder and behaved irresponsibly, the petitioner answered "No. It is my impression as per my day to day living with the respondent from 1963 to 1994." He was unable to give any details of allegations made in the petition as regards the dates of instances. He stated that he had not lodged any complaint before the police about the respondent taking gold from the locker.

10. The respondent tendered her affidavit by way of evidence on 18.11.2003. In her affidavit she stated that the petitioner was engaged in the business of the joint family and he had rented out more than half of the building, 8-B, Housing Society, N.D.S.E. Part-I, New Delhi to a ladies hostel. His monthly rental income was more than Rs.50,000/-. He had agricultural income as well. She also referred to the fact that the petitioner had sold a property for a sale

consideration of nearly Rs.9.69 crores. She did not desert the petitioner or the children at any point of time and continued to live in Housing Society. She reiterated the other statements made in her written statement. She then stated that "there is absolutely no question of mine (*sic* my) ruining the life of the petitioner and the future of children. The children give a lot of respect to me and both the daughters-in-law treat me with utmost care and affection on all family function we are together and I vibe very well with both my daughters-in-law." She reiterated that she did not want to dissolve the marriage of forty years which "has given me two wonderful children and a good family life."

11. At this stage, a reference has to be made to an application filed by the respondent before the trial court under Section 24 of the Act on 17.11.1998. In that application, the respondent sought an order restraining the petitioner from dispossessing and/or in any manner disturbing the peaceful enjoyment of the respondent at 8-B, Housing Society, N.D.S.E. Part-I, New Delhi. The respondent also sought a direction to the petitioner to pay Rs.10,000/- as maintenance. In para 3 of that application, the respondent stated:

> "That for the last one month the petitioner is repeatedly telling the respondent that he wants to remarry a young girl and, therefore, threatening that she must leave the house voluntarily otherwise he will forcibly throw her out. All this time she was tolerating it thinking that the petitioner's attitude will change but she is finding that he is becoming more and more aggressive."

12. In a reply dated 17.5.1999 to this application the petitioner stated:

> "That the contents of the said para are vehemently (sic) denied. The petitioner has not seen the face of the respondent or talked to

> her for years now, and she falsely claims that the petitioner had been telling her that he wants to marry a young girl. The respondent is a born liar and an insane person and the petitioner would not be able to make a calm and peaceful atmosphere with her living in any portion of the same house. She has earned all her life keeping all the money to herself and living as an unwanted parasites on the earnings of the petitioner and now having lived free of cost boarding and lodging for all these years, she should not make her own arrangements to be fully on her own."

13. The respondent filed a rejoinder to this reply on 5.8.1999 stating:

> "The contents of pare 3 are vehemently denied. The contents of this para clearly reveal the mind set of the petitioner and shows to what extent he can go to prejudice his Hon'ble Court. It is submitted that the petitioner was interested in one of the girls who was a tenant in one of the several rooms rented out by the petitioner in the same premises where the parties are residing. The petitioner wanted to marry that girl and he had told the respondent about the same. It is submitted that the respondent has worked for about 24 years and has contributed all her income on the upkeep and maintenance of the house, payment of wages to the servants and has also contributed to the expenses of the children."

14. In the cross-examination of the respondent on 18.11.2003 she denied that she had made any accusation against the petitioner that he is a womanizer. The precise reply given by the respondent as recorded by the learned trial Judge is as under:

> "It is denied that I made acquisition (*sic* accusation) against the petitioner that he is womanizer. He has extra marital relationship and he wants to get marry with younger. Witness confronted in para 3 which as follows (that it is submitted that petitioner was interested in one of the girl, who was a tenant in one of the several rooms rented out by the petitioner in the same premises where the parties are residing. The petitioner wanted to marry that girl and he told the respondent-witness about the same. The witness

> confirmed this fact. It is incorrect to suggest that the petitioner filed a petition because I have made allegations against him as stated above."

15. The respondent was cross-examined extensively on two dates thereafter. On 17.9.2004 she stated that she has been living at first floor of the House NO. 8-B, Housing Society, N.D.S.E. Part-I, New Delhi for the last five years on the advice of the petitioner. In her further cross-examination on 27.9.2004 she maintained that he had only visiting Sri Aurbindo Ashram and had not lived there although she had given her address in the bank account as Aurobindo Ashram as her son was living there. In her cross-examination she admitted that there was a locker in Delhi Safe Deposit Company in her name and the petitioner's name but she stated that it was on the advice of the petitioner that his name was removed. However, she denied having removed all the savings of the petitioner from that locker. She also denied the suggestion that her marriage with the petitioner had irretrievably broken down. She admitted to having complained to the police when he sought to install a cooler in the house and to having filed two applications under Section 340 Cr.P.C. against him in the pending proceedings in the trial court.

Conclusions of the trial court

16. The trial court came to the conclusion that the petitioner had not been able to establish the ground of mental cruelty. It concluded:

> "In his evidence recorded as PW-1, petitioner has corroborated his averments as made in the petition regarding the behaviour and conduct of the respondent which gave mental pain and agony to him. But during his cross-examination PW-1, petitioner could not give the details of such cruel acts such as date, place and time and even in his petition, petitioner has not specifically mentioned the cruel acts with details, which caused him

> mental pain and agony. Making general and bald allegations in his petition by the petitioner that the respondent had treated him with cruelty and she never cooperated with him and rather created obstacles in his life by disobeying his instructions cannot amount to cruelty as contemplated under Section 13(1) (ia) of H.M.Act.

The trial court further concluded that:

> "It is clear that petitioner neither in his petition nor in examination-in-chief has given specific instances of cruelty allegedly meted out by the respondent to him and whatever allegations of cruelty have been mentioned in the petition are of general nature without any specification. In my view, such general and bald allegations of "cruelty" allegedly meted out by the respondent cannot amount to cruelty keeping in view the fact that the parties got married on 12.5.1963 and the present petition was filed in the year 1996. Even if it is assumed that the alleged acts of cruelty were meted out by the respondent, then there is presumption that the alleged acts of cruelty, if any have been condoned by the petitioner. It is well settled that mere wear and tear of married life cannot amount to cruelty. The averments made by the petitioner regarding the cruelty allegedly meted out by the respondent are nothing but only mere wear and tear of the married life and such averments which could not be proved by leading any cogent and convincing evidence cannot amount to cruelty as contemplated under Section 13 (1)(ia) of H.M.Act."

17. On the allegations made by the respondent on the extra marital relationship, the trial court observed as under:

> "No doubt during her cross-examination respondent Smt. Anupama as RW-1 has made such allegations against the petitioner but such allegations have not been made by the respondent either in her written statement or in her evidence adduced on record by way of her affidavit and as such this solitary act of making such allegations during her cross-examination does not amount to cruelty, this being beyond the pleadings of the respondent. Hence petitioner is not entitled to seek divorce on the ground of "cruelty" as prayed for by him in his petition. Accordingly, this issue is decided against the petitioner."

18. As regards the issue of desertion, the trial Court came to the conclusion that the parties have been living separately since January 1994 and they did not see each other's faces. Thereafter, the trial court held as under:

> "During his cross-examination RW-1 has admitted about her having separate fridge, having no communication with the petitioner for the last 5/6 years, filing of two applications under Section 340 Cr.P.C. against the petitioner-husband, filing of criminal complaint against the petitioner during these proceedings, removing the name of the petitioner from the locker in Delhi Safe Deposit Company, making allegations of illicit relations with a woman who was kept as tenant by the petitioner and calling police at the house when petitioner was getting a cooler installed in his portion. Such conduct of the respondent coupled with these subsequent events clearly show that the respondent deserted the petitioner with the intention to bring her marital relations with the petitioner to an end."

The trial court ultimately concluded as under:

> "No doubt this is an unfortunate case as both the spouses are above 60 years of age and they lived together at matrimonial home for about 33 years and even have two grown up and well settled sons but these facts and circumstances are not sufficient to disentitle the petitioner from seeking divorce on the ground of desertion because now their marriage is dead both emotionally and practically."

Submissions of the parties

19. The petitioner appeared in person. He has been heard at great length. He insisted that notwithstanding the fact that he has been granted divorce on the ground of desertion, he should nevertheless have been granted divorce by the trial court on the ground of cruelty as well. His repeatedly urged, and with vehemence, that the respondent is a habitual liar. He referred to the affidavit filed by her

by way of evidence on 18.11.2003 where she stated that she was not in the habit of telling lies and that she was a God fearing lady. He points out that by an order dated 5.8.1999 the trial court required the parties to file copies of the pass books of all their accounts maintained for the last four years. Yet, the respondent had filed her accounts only for two years. Later along with an affidavit dated 30.8.2001 filed by her she had disclosed her account with the Punjab National Bank which had earlier been concealed by her. He maintained that all the papers filed by her were false. He made much of the fact that the respondent had in her cross-examination accused him of having a extra marital affair and submitted that this was sufficient to constitute cruelty. He referred to the judgment of the Hon'ble Supreme Court in ***Vijaykumar Ramchandra Bhate v. Neela Vijaykumar Bhate*** (2003) 6 SCC 334 (paras 7 and 11) to the effect that even a single instance of a false accusation can constitute cruelty. Shri Jauhar referred to the cross-examination of the respondent where she admitted to having removed the petitioner's name from the account of the locker with the Delhi Safe Deposit Company; to having filed two applications under Section 340 Cr.P.C. against the petitioner and to having called the police when the petitioner tried to instal a cooler in his possession because the size of the cooler was very big. He also referred to the fact that the respondent admitted that she along with her younger son had gone to see a girl for her son and not intimated the petitioner about this fact and that the marriage with that girl could not take place because of the objection taken by the petitioner. The respondent also admitted that "they have been living separately for the last 5/6 years and since then there is no communication between us." The petitioner insisted with vehemence that the

respondent was a psychopath, that she had made his life miserable and that he did not wish to see her face.

20. In reply, Mr.Makhija, learned Senior counsel for the respondent pointed out that the allegations made by the petitioner were vague and unsubstantiated. The single instance of the respondent mentioning what the petitioner himself had told her about his interest in marrying a girl did not and could not amount to cruelty. There was no independent witness examined to substantiate the numerous allegations made by the petitioner. The locker in fact stood in the name of the respondent, therefore, there was no question of her stealing from the locker. The allegation of desertion was wholly unsubstantiated. The petition itself stated that the respondent started living at Sri Aurbindo Ashram and thereafter 1996 she started living at first floor in the same premises at 8-B, Housing Society, N.D.S.E. Part-I, New Delhi and therefore, the very basis of the allegation that the respondent was living separately thereby deserting the petitioner was non-existent. A reference was made to the application filed before the Indian Cancer Society jointly by both parties as late as 18.11.1994, a copy of which has been placed on record, to show that the parties were living together. The learned Senior counsel for the respondent pointed to the contradiction in the petitioner taking the stand that the respondent had deserted him without just cause even while accusing her of suffering from psychopathic disorder. No case of desertion was made out and therefore the conclusion reached by the trial court in this regard was erroneous. As regards the application CM No 3681 of 2005, it was pointed out that the petitioner does not deny having sold the agricultural land for a sum of Rs.9.69

crores and therefore, the claim for higher maintenance was fully justified.

Reasons and conclusions

21. This is an unfortunate case of a marriage having gone sour after thirty years and the petitioner persisting with the litigation even after succeeding in the trial court. The petitioner is not satisfied that the trial court has granted him divorce on the ground of desertion. He still wants a judicial pronouncement in his favour on his allegation that the respondent treated him with cruelty.

22. It was apparent to the Court that the litigation itself was causing the parties much mental anguish. As a party appearing in person the petitioner, with a great deal of agitation, repeatedly implored the Court to declare the respondent a habitual liar, a person suffering from psychopathic disorder out to destroy the life of the petitioner. Clearly, he made these submissions conscious of the fact that the respondent was present in the court. It was plain to the Court that the respondent, who sat through the proceedings with dignity and forbearance, must have undergone great mental anguish.

23. Having examined the exhaustive pleadings and the evidence on record, and after considering the submissions made, this Court is unable to come to a conclusion different from what has been reached by the trial court. The reasons for the conclusion follow.

24. In the first instance, the Court is unable to appreciate why the petitioner, who has succeeded in obtaining divorce on one of the grounds on which it was sought i.e. desertion, would want to appeal only on the ground that he has not been granted divorce on the

ground of cruelty. By filing this appeal, the petitioner is not only prolonging the agony of the respondent but his own agony as well. As far as the petitioner's appeal is concerned, it cannot be termed anything but a litigation without purpose since in any event the ultimate result would be the same even if the petitioner succeeded. The appeal of the petitioner is more out of angst than based on any substantial question of law. Ordinarily the Court should not entertain such an appeal. Nevertheless, since the petitioner has argued his case with passion and involvement, the Court considers it necessary to explain its reasons for not agreeing with the submissions made by the petitioner.

25. The Court finds no merit at all in the petitioner's submission that the respondent falsely accused him of having an extra-marital affair and that such accusation made during her cross-examination tantamounts to mental cruelty. The relevant paragraphs in the application filed by the respondent under Section 24 of the Act have been set out in paras 11 to 13 of this judgment. The respondent has nowhere used the words "extra martial relationship" or "illicit relationship." No such statement has been made by her in her written statement or in the affidavit by way of evidence. Even in the application under Section 24, the respondent has attributed her source of the information (that the petitioner was interested in marrying a girl) to the petitioner himself. A careful reading of the cross-examination (as set out in para 14 of this judgment) shows that it is the petitioner who has made the suggestions to the respondent that she was accusing him of being a "womanizer" and having an "extra marital relationship." The petitioner wants to take advantage of the respondent's denial of such suggestion only to drive home the

point that this tantamounts to cruelty. This Court is not prepared to let him to do that.

26. While on this aspect, this Court is not able to appreciate why the trial court permitted this type of a cross-examination where the respondent has been confronted with a purported statement made in an application under Section 24 of the Act when in fact there is no such accusatory words used in that application. Further, the answer given by the respondent appears to have not been recorded correctly. To recall, the answer was: "It is denied that I made acquisition (*sic* accusation) against the petitioner that he is womanizer. He has extra marital relationship and he wants to get marry with younger." Read simply and in the context of the document referred to viz., her application under Section 24, the answer given by the respondent in her cross-examination is one of denial. Spelling mistakes apart, there are obvious grammatical errors in the manner in which the denial has been recorded. A full stop has perhaps been introduced in a place where there was only a pause. It has resulted in giving the denial a changed meaning as if the respondent was accusing the petitioner of having an extra marital relationship.

27. Therefore, this Court is unable to be persuaded by the petitioner's submission that the statement made by the respondent in her application under Section 24 and during the cross-examination has subjected him to mental cruelty. While it is true, as it has been explained by the Hon'ble Supreme Court in ***Bhate's case*** that even a single accusation can amount to a cruelty, there is no such accusation here. Further, it must be remembered that in ***Bhate's case*** the context was an accusation against the woman doubting her chastity.

The precise passage in ***Bhate's case***, which requires to be noticed, reads as under (SCC, p. 339):

> "The position of law in this regard has come to be well settled and declared that leveling disgusting accusations of unchastity and indecent familiarity with a person outside wedlock and allegations of extramarital relationship is a grave assault on the character, honour, reputation, status as well as the health of the wife. Such aspersions of perfidiousness attributed to the wife. Viewed in the context of an educated Indian wife and judged by Indian conditions and standards would amount to worst from of insult and cruelty, sufficient by itself to substantiate cruelty in law, warranting the claim of the wife being allowed. That such allegations made in the written statement or suggested in the course of examination and by way of cross-examination satisfy the requirement of law has also come to be firmly laid down by this Court. On going through the relevant portions of such allegations, we find that no exception could be taken to the findings recorded by the Family Court as well as the High Court. We find that they are of such quality, magnitude and consequence as to cause mental pain, agony and suffering amounting to the reformulated concept of cruelty in matrimonial law causing profound and lasting disruption and driving the wife to feel deeply hurt and reasonably apprehend that it would be dangerous for her to live with a husband who was taunting her like and rendered the maintenance of matrimonial home impossible."

The above observations cannot be pulled out of context and be applied ipso facto to a situation where the husband is stated to have expressed to his wife his wish to marry a younger girl.

28. On the other hand the petitioner harping on the respondent being psychopathic during his arguments in the Court is grave enough to constitute cruel treatment of the respondent. The fact that the petitioner is arguing his case in person does not give him the licence to persist with such accusation when admittedly he has absolutely no

medical record of any sort to show that the respondent was suffering from any mental disorder. The court, therefore, is inclined to conclude that it is the petitioner who has been treating the respondent with cruelty, even at this stage, by levelling such a false accusation during the hearing of the appeal.

29. The remaining evidence and material referred to by the petitioner do not substantiate the submission of the petitioner that he has been treated cruelly by the respondent. There is no ground to interfere with the trial court's conclusion in this regard. There is no merit whatsoever in the petitioner's appeal.

30. As far as the respondent's appeal is concerned, the court is inclined to agree with the observations made by the trial court that the intention of the parties not to live together, although they have been staying in the same premises, is apparent from the evidence on record. The fact that the respondent has chosen to live separately since 1994 is made out. The Court finds no reason to interfere with the judgment of the trial court in this regard.

31. As regards the application for interim maintenance during the pendency of the litigation, while the fact that the petitioner had sold agricultural property for a sum of Rs.9.69 crores is not denied by the petitioner, it cannot be said that interim maintenance of Rs.20,000 per month already awarded is not sufficient for the respondent. The respondent has also two grown-up sons and there is no evidence to show that they have refused to support her. The Court is not inclined, therefore, to accept the plea for higher maintenance under Section 24 of the Act. Nevertheless, the Court is prepared to accept her plea for

litigation expenses and directs that the petitioner will pay the respondent a sum of Rs. 30,000 towards litigation expenses within a period of four weeks from today.

32. For the above reasons, both these appeals being Mat Appeal No. 6 of 2005 and 8 of 2005 are dismissed. The petitioner (Shri Jitender Kumar Jauhar) will pay to the respondent (Smt. Anupama Jauhar) litigation expenses of Rs.30,000/- within a period of four weeks from today. The pending applications are disposed of.

Sd/-
S.MURALIDHAR,

J.
May 25, 2007
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